

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:) Chapter 11
)
W. R. GRACE & CO., et al.¹) Case No. 01-1139 (JKF)
)
Debtors.) (Jointly Administered)
) Re: Docket No. 9302

modified
**ORDER AMENDING CASE MANAGEMENT ORDER FOR
THE ESTIMATION OF ASBESTOS PROPERTY DAMAGE LIABILITIES**

WHEREAS, on August 29, 2005, the Court entered its Case Management Order for the Estimation of Asbestos Property Damage Liabilities (the "PD CMO") [Dkt. No. 9302]

WHEREAS, the PD CMO established certain dates with respect to the Phase I Issues;²

WHEREAS, on November 14, 2005, pursuant to paragraph 12 of the PD CMO, the Court ruled as to the scope of the Phase I trial; and

¹ The Debtors consist of the following 62 entities: W. R. Grace & Co. (f/k/a Grace Specialty Chemicals, Inc.), W. R. Grace & Co. Conn., A-1 Bit & Tool Co., Inc., Alewife Boston Ltd., Alewife Land Corporation, Amicon, Inc., CB Biomedical, Inc. (f/k/a Circe Biomedical, Inc.), CCHP, Inc., Coalgrace, Inc., Coalgrace II, Inc., Creative Food 'N Fun Company, Darex Puerto Rico, Inc., Del Taco Restaurants, Inc., Dewey and Almy, LLC (f/k/a Dewey and Almy Company), Ecarg, Inc., Five Alewife Boston Ltd., GC Limited Partners I, Inc., (f/k/a Grace Cocoa Limited Partners I, Inc.), GC Management, Inc. (f/k/a Grace Cocoa Management, Inc.), GEC Management Corporation, GN Holdings, Inc. GPC Thomasville Corp., Gloucester New Communities Company, Inc., Grace A-B Inc., Grace A-B II Inc., Grace Chemical Company of Cuba, Grace Culinary Systems, Inc., Grace Drilling Company, Grace Energy Corporation, Grace Environmental, Inc., Grace Europe, Inc., Grace H-G Inc., Grace H-G II Inc., Grace Hotel Services Corporation, Grace International Holdings, Inc. (f/k/a Dearborn International Holdings, Inc.), Grace Offshore Company, Grace PAR Corporation, Grace Petroleum Libya Incorporated, Grace Tarpon Investors, Inc., Grace Ventures Corp., Grace Washington, Inc., W. R. Grace Capital Corporation, W. R. Grace Land Corporation, Gracoal, Inc., Gracoal II, Inc., Guanica-Caribe Land Development Corporation, Hanover Square Corporation, Homco International, Inc., Kootenai Development Company, L B Realty, Inc., Litigation Management, Inc. (f/k/a GHSC Holding, Inc., Grace JVH, Inc., Asbestos Management, Inc.), Monolith Enterprises, Incorporated, Monroe Street, Inc., MRA Holdings Corp. (f/k/a Nestor-BNA Holdings Corporation), MRA Intermedco, Inc. (f/k/a Nestor-BNA, Inc.), MRA Staffing Systems, Inc. (f/k/a British Nursing Association, Inc.), Remedium Group, Inc. (f/k/a Environmental Liability Management, Inc., E&C Liquidating Corp., Emerson & Cuming, Inc.), Southern Oil, Resin & Fiberglass, Inc., Water Street Corporation, Axial Basin Ranch Company, CC Partners (f/k/a Cross Country Staffing), Hayden-Gulch West Coal Company, H-G Coal Company.

² All capitalized terms used but not defined herein shall have the meanings set forth in the PD CMO.

WHEREAS, during the December 19, 2005 omnibus hearing in these cases, for the reasons stated on the record, the Court granted the *ore tenus* motion of the PD Committee to abate the discovery process on Phase I of the Estimation addressing the Methodology Issue for thirty (30) days and to extend all other dates impacted thereby for a similar period to facilitate plan negotiations.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. All discovery of experts and non-experts related to Phase I of the Estimation addressing the Methodology Issue shall be abated until February 10, 2006.
2. Depositions of experts and non-experts relating to Phase I of the Estimation addressing the Methodology Issue may commence on February 13, 2006, and all such depositions shall be concluded by April 7, 2006.
3. On or before January 20, 2006, by 12:00 noon Eastern time, the Debtors will file and serve on counsel for the Committee, Scott Baena and Special Counsel, Martin Dies, (i) rebuttal expert reports, if any, on the Phase I Methodology Issue, and (ii) identify (a) rebuttal fact witnesses, if any, they intend to call to testify to address the Phase I Methodology Issue and (b) the general subject matter of any rebuttal fact witness testimony.
4. Pursuant to Rules 26(a)(3)(A) and 26(a)(3)(B) of the Federal Rules of Civil Procedure, on or before April 12, 2006, any PD Estimation Participant shall file and serve on each of the other PD Estimation Participants a final fact witness/expert list in respect of the Phase I hearing addressing the Methodology Issue.
5. Any pre-trial motions, including *motions in limine*, *Daubert*, and summary judgment motions related to the Phase I of the Estimation addressing the Methodology Issue, shall be filed not later than April 21, 2006. Responses to such motions shall be filed not later

than May 8, 2006. Replies shall be filed not later than May 15, 2006. A hearing on such motions, if any, will be held at the Court's direction ^{on} ~~in~~ May ^{17,} 2006, at 9:00 a.m. in Pittsburgh, PA

6. A preliminary pre-trial conference on Phase I of the Estimation addressing the Methodology Issue shall be held at the April 2006 omnibus hearing.

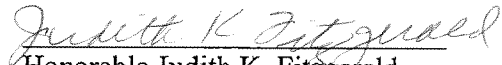
7. The trial on Phase I of the Estimation addressing the Methodology Issue shall be held on June 1, June 2, and, if necessary, June 12, 2006 commencing at 9:00 a.m. each day, in Pittsburgh, PA.

8. Except as set forth in this ORDER, the PD CMO shall remain in full force and effect.

9. Debtors shall serve this ORDER within ten (10) days of its entry upon all persons who were served with the PD CMO.

Wilmington, Delaware

Dated: January 17, 2006


Honorable Judith K. Fitzgerald
United States Bankruptcy Judge